

1 E. MARTIN ESTRADA
United States Attorney
2 DAVID M. HARRIS
Assistant United States Attorney
3 Chief, Civil Division
JOANNE S. OSINOFF
4 Assistant United States Attorney
Chief, Complex and Defensive Litigation Section
5 ALEXANDER L. FARRELL (Cal. Bar No. 335008)
Assistant United States Attorney
6 Federal Building, Suite 7516
300 North Los Angeles Street
7 Los Angeles, California 90012
Telephone: (213) 894-5557
8 Facsimile: (213) 894-7819
E-mail: Alexander.Farrell@usdoj.gov
9

Attorneys for Defendant
10 United States Small Business Administration

11 UNITED STATES DISTRICT COURT
12 FOR THE CENTRAL DISTRICT OF CALIFORNIA
13

14 BRANDON JOE WILLIAMS,

15 Plaintiff,

16 v.

17 UNITED STATES SMALL
BUSINESS ADMINISTRATION,

18 Defendant.
19

No. CV 24-9553

NOTICE OF REMOVAL OF CIVIL
ACTION

[28 U.S.C. § 1442(a)]
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1 TO THE CLERK OF THE ABOVE-ENTITLED COURT AND TO THE *PRO SE*
2 PLAINTIFF:

3 PLEASE TAKE NOTICE that, pursuant to 28 U.S.C. § 1442(a)(1), Defendant
4 United States Small Business Administration (“Defendant” or “SBA”) hereby removes
5 to this Honorable Court the State Court action described below. The grounds for this
6 removal are as follows:

7 1. On September 20, 2024, Brandon Joe Williams, appearing in *pro se*,
8 (“Plaintiff”) filed a civil action against the Defendant in the Superior Court of the State
9 of California for the County of Los Angeles (“State Court”), entitled as *Brandon Joe*
10 *Williams v. United States Small Business Administration*, case number 24NNCV04461.
11 A copy of the Complaint is attached as Exhibit 1. A copy of the proof of service is
12 attached as Exhibit 2.¹ A copy of all other pleadings received to date are attached as
13 Exhibit 3. A copy of the State Court docket is attached as Exhibit 4.

14 2. The Complaint alleges that in May of 2020, Plaintiff was approved for an
15 Economic Injury Disaster Loan (the “Loan”) through the SBA, in an original amount of
16 \$59,000. Exh. 1 ¶ 6 (“Compl.”). For the Loan in the original amount, he signed a
17 promissory note. *Id.* ¶¶ 8-9. On December 14, 2021, Plaintiff applied and modified the
18 Loan to increase the total amount to \$198,700. Compl. ¶ 7. For this increased Loan,
19 Plaintiff signed a second promissory note. *Id.* ¶ 9. Plaintiff alleges that when he signed
20 the first and second promissory notes for these loans, he was unaware of their terms and
21 conditions. *Id.* ¶¶ 8-9 Prior to filing suit, Plaintiff sent a series of notices and a document
22 he titled an “Affidavit Novation” whereby he sought to unilaterally rescind the
23 promissory notes that secured the Loan. *Id.* ¶¶ 12-17, 19.

25 ¹ Plaintiff’s proof of service names a “law firm” in the caption. Plaintiff Brandon
26 Joe Williams is not represented by “Williams and Williams Law Group.” This “entity” is
27 appears to be associated with Plaintiff’s personal website. See website of “Williams and
28 Williams Law Group,” <https://www.williamsandwilliamslawfirm.com/about> (last visited
Nov. 5, 2024). The State Court’s docket also lists Plaintiff without an attorney of record.
See Exh. 4.

1 3. In the Complaint, Plaintiff purports to assert claims against the SBA for
2 breach of contract, breach of fiduciary duty, “currency” cause of action, contract fraud,
3 conversion, unjust enrichment, violation of California Business and Professions Code §
4 17200, *et seq.*, violation of California Penal Code §§ 496, 236.1, 487, and a criminal
5 violation of California Corporations Code § 25541. *Id.* ¶¶ 20-64.

6 4. This action is one which must be removed to this Court pursuant to 28
7 U.S.C. § 1442(a)(1), which authorizes the removal of civil actions against “[t]he United
8 States or any agency thereof ...” to the district court embracing the place where the
9 action is pending. Defendant is a federal agency and is entitled to, among other things,
10 the federal defense of sovereign immunity, the derivative jurisdiction doctrine, federal
11 defenses relating to the exhaustion of administrative claim requirements, and federal
12 defenses towards jurisdictional limitations of certain types of tort liability and damages
13 claims. *See* 28 U.S.C. § 2671, *et seq.*

14 5. Plaintiff has not served the SBA as required by Rule 4(i). *See* Fed. R. Civ.
15 P. (4)(i)(2). In *Murphy Bros. v. Michetti Pipe Stringing, Inc.*, 526 U.S. 344, 356 (1999),
16 the Supreme Court held that service must be complete before the 28 U.S.C. § 1446(b)-
17 time limits for removal begin to run. Plaintiff’s alleged proof of service for the SBA filed
18 in the State Court on October 1, 2024, is defective. *See* Exh. 2. There is no evidence filed
19 in the State Court demonstrating Plaintiff served the United States and the SBA in
20 compliance with the Federal Rules of Civil Procedure 4. *See* Fed. R. Civ. P. 4(i)(1)
21 (requiring service of process on the Attorney General of the United States, in addition to
22 the United States Attorney’s Office); *see also* Fed. R. Civ. P. 4(i)(2) (requiring service of
23 process on the United States and also requiring mailing of copies of the summons and of
24 the complaint by registered or certified mail to a United States agency or corporation).
25 Plaintiff only attempted personal service on the SBA at a location facially appearing to
26 be the SBA’s office located in Washington D.C. Exh. 2 at 1. The proof of service also
27 does not list the individual who was authorized to receive service on behalf of the SBA.
28 As such, Plaintiff has not demonstrated that service was proper in accordance with Rule

1 4. *See Brockmeyer v. May*, 383 F.3d 798, 801 (9th Cir. 2004) (“Once service is
2 challenged, plaintiffs bear the burden of establishing that service was valid under Rule
3 4.”). Accordingly, the time for this case to be removed pursuant to 28 U.S.C. § 1446(b)
4 has not begun to run and, thus, removal is timely.

5 6. Promptly after filing this notice, the SBA shall give written notice of this
6 removal to the adverse party and to the Clerk of the State Court. *See* 28 U.S.C.
7 § 1446(d).

8 7. This Court is the proper district and division to hear this case because
9 Plaintiff brought this action in the Superior Court of the State of California for the
10 County of Los Angeles. *See* 28 U.S.C. § 1442(a).

11 8. Because this notice is filed on behalf of a federal agency, no bond is
12 required under the terms of 28 U.S.C. § 2408.

13 WHEREFORE, Defendant removes this action now pending in the Superior Court
14 of the State of California for the County of Los Angeles, Case No. 24NNCV04461, to
15 the United States District Court for the Central District of California.

16 Dated: November 5, 2024

Respectfully submitted,

17 E. MARTIN ESTRADA
18 United States Attorney

19 DAVID M. HARRIS
Assistant United States Attorney
Chief, Civil Division

20 JOANNE S. OSINOFF
Assistant United States Attorney
21 Chief, Complex and Defensive Litigation Section

22
23 /s/ Alexander L. Farrell

24 ALEXANDER L. FARRELL
Assistant United States Attorney

25
26 Attorneys for Defendant United States Small
27 Business Administration
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